

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 HA-05 SSO-00 SY-05 SCS-06 CA-01

L-03 PA-01 SS-15 INRE-00 CIAE-00 INR-10 NSAE-00

NSCE-00 H-01 /062 W

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FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC NIACT IMMEDIATE 6200

C O N F I D E N T I A L MANAGUA 1537

PASS ARA:CEN-WELTER UPON RECEIPT

E.O. 1162: GDS

TAGS: CARR, PINT, SHUM, NU

SUBJECT: INSTRUCTIONS FOR HANDLING CHARITON CASE

REF: (A) MANAGUA 1525; (B) STATE 82809, (C) MANAGUA 1524

BEGIN SUMMARY: WE ARE PREPARED TO CARRY OUT INSTRUCTIONS CONTAINED REF B BUT BEFORE DOING SO WE WOULD LIKE BOTH CONFIRMATION AS TO OUR UNDERSTANDING OF THOSE INSTRUCTIONS AND CLARIFICATION AS TO HOW TO PROCEED SHOULD CHARITON LEAVE EMBASSY WITH POSSIBLE INTENTION TO FLEE NICARAGUA. WE ALSO SEEK PRESS GUIDANCE. END SUMMARY

1. GIVEN POLITICAL SENSITIVITY OF CHARTION CASE, BOTH HERE AND IN U.S., WE WISH TO SUMMARIZE HERE OUR UNDERSTANDING OF INSTRUCTIONS CONTAINED REF B, IN LIGHT OF CONSIDERATIONS POSED REFS A AND C, AND HOW WE WOULD PROPOSE TO PROCEED IF SUCH UNDERSTANDING IS CONFIRMED.

(A) AMBASSADOR WILL RAISE CHARITON CASE WITH PRESIDENT SOMOZA TODAY (1300 HOURS LOCAL, APRIL 3) WITH A VIEW TO ASCERTAINING WHETHER A PROMPT SOLUTION OF THE PROBLEM CAN BE REACHED, WHICH WILL BOTH BE AND APPEAR TO BE IN ACCORDANCE WITH NICARAGUAN LAW. (WE HAVE AT ALL TIMES STRESSED THAT ANY SOLUTION MUST MEET THESE REQUIREMENTS.)

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(B) IF SOMOZA OR HIS DESIGNATED NEGOTIATOR TELLS US CLEARLY THAT CHARITON CAN LEAVE THE COUNTRY IN ACCORDANCE WITH NICARAGUAN LAW (WHETHER OR NOT BECAUSE OF ANY DEAL REACHED, WE BELIEVE WE SHOULD INSIST THAT HE RETURN TO GON CUSTODY, IF ONLY BRIEFLY, BEFORE HE DEPARTS NICARAGUA. (COMMENT: WE COULD THUS ARGUE PLAUSIBLY THAT WE HAD NOT FRUSTRATED LOCAL LEGAL PROCEEDINGS AGAINST CHARITON).)

(C) IF IT APPEARS THAT NO SATISFACTORY ARRANGEMENT FOR FINAL DISPOSITION OF CHARITON CASE IS POSSIBLE BEFORE APRIL 4 DEADLINE, WE WILL TELL CHARITON THAT HE MAY NOT REMAIN IN THE EMBASSY AND THAT HE MUST LEAVE, VOLUNTARILY OR NOT. CHARITON HAS ALREADY TOLD US THAT HE WILL NOT LEAVE EMBASSY VOLUNTARILY TO RETURN TO GON CUSTODY (UNLESS, PRESUMABLY, HIS LEAVING WERE PART OF AN ARRANGEMENT PERMITTING HIM TO LEAVE NICARAGUA), THAT HE WILL RESIST BEING EJECTED FORCEABLY, THAT HE MAY COMMIT SUICIDE BY POISONING IF WE TRY TO DRAG HIM OUT, AND THAT IF HE THINKS WE WILL EJECT HIM, HE WILL SLIP OUT OF EMBASSY TRY TO ESCAPE FROM NICARAGUA ON HIS OWN. HE HAS ALSO ASKED THAT, IF HE DOES SLIP OUT OF EMBASSY, WE DELAY NOTIFYING GON AUTHORITIES FOR 48 HOURS. WE HAVE MADE NO COMMITMENT TO HIM IN THIS LATTER REGARD. (COMMENT: WE CAN TRY TO PREVENT HIM FROM COMMITTING SUICIDE AND WE CAN SEEK TO USE MINIMUM FORCE, IF ANY PROVES NECESSARY, TO EJECT HIM FROM EMBASSY. WE ARE INCLINED, HOWEVER, TO NOTIFY THE GON IMMEDIATELY IF HE DEPARTS THE EMBASSY PREMISES SURREPTITIOUSLY SINCE IN GON EYES HE IS A FUGITIVE AND WE CANNOT BE A PARTY TO HIS ESCAPE ATTEMPT. MOREOVER, WE ARE CONCERNED FOR HIS SAFETY SHOULD HE BE KILLED OR INJURED WHILE ATTEMPTING TO FLEE THE COUNTRY.)

(D) IN LIGHT OF ABOVE, WE SEEK INSTRUCTIONS TO NOTIFY GON IMMEDIATELY SHOULD CHARITON SLIP OUT OF EMBASSY GROUNDS, AND TO INFORM CHARITON IN ADVANCE THAT WE WILL DO SO. WE WOULD EXPLAIN TO CHARITON THAT WE ARE OBLIGATED TO INFORM GON AND WE ARE CONCERNED THAT HE AND OTHERS INVOLVED MIGHT GET HURT IN AN ESCAPE ATTEMPT.
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(E) IF CHARITON AGREES TO LEAVE EMBASSY VOLUNTARILY WITHOUT INDICATING TO US THAT HE PLANS TO FLEE THE COUNTRY, WE WOULD PROBABLY STILL HAVE AN OBLIGATION TO INFORM THE GON THAT HE HE HAS DEPARTED OUR PROPERTY INASMUCH AS WE HAD PROMPTLY INFORMED GON THAT HE HAD COME TO THE EMBASSY ON MARCH 21. WE WOULD LIKE CLEAR INSTRUCTIONS AS TO WHETHER WE SHOULD SO INFORM THE GON AND WHETHER WE SHOULD ADVISE CHARITON THAT WE WILL DO SO.

(F) IN EVENT GON ASKS THAT CHARITON BE SURRENDERED TO POLICE CUSTODY, WE WILL ARRANGE WITH POLICE THE TIME AT WHICH CHARITON WILL BE ESCORTED OFF EMBASSY PROPERTY.

(G) IF CHARITON'S DEPARTURE FROM EMBASSY IS INVOLUNTARY, WE WILL FIRST SEEK AND OBTAIN A GUARANTEE OF PROPER TREATMENT FROM AUTHORITIES. IF, HOWEVER, WE CANNOT GET SUCH GUARANTEE, WE WILL SEEK FURTHER GUIDANCE FROM THE DEPARTMENT BEFORE WE EJECT CHARITON FROM THE EMBASSY.

2. WE WOULD APPRECIATE PRESS GUIDANCE ON HOW TO RESPOND TO QUESTIONS ON OUR HANDLING OF AND ROLE IN THIS CASE SHOULD, AS SEEMS MOST LIKELY, CHARITON BE TURNED OVER TO GON CUSTODY INVOLUNTARILY.

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